

January 14, 2022

The Honorable Michael Connor  
Assistant Secretary of the Army for Civil Works  
U.S. Department of the Army  
108 Army Pentagon  
Washington, D.C. 20310

Ms. Janet Coit  
Assistant Administrator for Fisheries  
Department of Commerce-NOAA Fisheries  
1315 East-West Highway, 14th Floor  
Silver Spring, MD 20910

Dear Secretary Connor and Assistant Administrator Coit,

The undersigned associations represent public ports and entities in navigation, flood control, water supply, and recreation across the country. We thank you for the January 6 briefing regarding NOAA Fisheries and the U.S. Army Corps of Engineers (USACE) memorandum outlining the new path your agencies are charting with respect to Endangered Species Act section 7 consultations for existing structures.

As you noted in the briefing, the agreement between the two agencies has broad implications for species nationwide. The briefing regarding this significant regulatory action prompted many questions which were unable to be answered during the allotted time. Additionally, as many organizations, entities, and businesses throughout the country begin to learn of this substantial regulatory change, there will undoubtedly be more questions and issues to explore to understand the agreement and how it will be implemented regionally and nationally.

Thank you again for last week's initial briefing. We appreciate your commitment to holding ongoing discussions with stakeholders nationwide to address questions and concerns ahead of developing nationwide application of this agreement. While some of our organizations were on the briefing call, we strongly recommend expanding the stakeholder engagement/discussion opportunities to include the water resource stakeholders and intergovernmental partners on this letter, given the implications of the NOAA Fisheries/USACE memorandum.

Sincerely,

American Association of Port Authorities  
American Great Lakes Ports Association  
Association of California Water Agencies  
Big River Coalition  
California Marine Affairs and Navigation Conference  
Gulf Ports Association of the Americas  
National Association of Counties  
National Association of County Engineers  
National Association of Regional Councils

National Association of Flood and Stormwater Management Agencies  
National League of Cities  
National Marine Manufacturers Association  
National Water Supply Alliance  
National Water Resources Association  
National Waterways Conference  
North Atlantic Ports Association  
Northwest Marine Trade Association  
Pacific Northwest Waterways Association  
Washington Maritime Federation